

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ALEXANDER BALBUENA,  
Petitioner,

v.

MARTIN BITER, Warden, and  
THE CALIFORNIA ATTORNEY  
GENERAL,

Respondents.

No. C 11-0228 RS (PR)

**ORDER REOPENING ACTION;**

**ORDER SETTING BRIEFING  
SCHEDULE**

The Ninth Circuit has remanded this federal habeas action to this Court so as to allow petitioner to file a motion under Federal Rule of Civil Procedure 60(b) to amend the petition to add a new claim, that is, whether the *Miranda* warnings were constitutionally inadequate. The action is REOPENED, and the Clerk is directed to amend the docket accordingly and notify the parties. The Court reminds the parties that the judgment and the order denying the petition are still in effect.

Petitioner must file his Rule 60(b) motion on or before March 7, 2014. Failure to file by such date will be deemed a waiver of the opportunity afforded by the remand, and the action will be closed. Respondent shall file a response to petitioner's motion on or before

1 May 7, 2014. If petitioner chooses to respond to respondent's filing, he must do so on or  
2 before June 7, 2014. The matter will be deemed submitted for decision on June 8, 2014.  
3 Upon a showing of good cause, requests for a reasonable extension of time will be granted  
4 provided they are filed on or before the deadline they seek to extend.

5 **The Court reiterates that in indicating its willingness to entertain the motion, the**  
6 **Court makes no comment on the merits of such a motion, or that it is inclined to grant**  
7 **or deny it.** Also, the Court is willing to consider only whether to allow amendment as to the  
8 one new claim, that is, that the *Miranda* warnings were constitutionally inadequate. No other  
9 claim(s) will be considered.

10 **IT IS SO ORDERED.**

11 DATED: January 6, 2014

  
12 RICHARD SEEBORG  
13 United States District Judge  
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